

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Ash-har Quraishi, Marla Cichowski, and )  
Sam Winslade, )  
Plaintiffs, )  
v. ) Case No. 16-cv-1320 NAB  
St. Charles County, Missouri, et. al. )  
Defendants. )

**MOTION TO DISMISS COUNTS I, II, III, IV, V, AND VI  
OF PLAINTIFFS' CIVIL RIGHTS COMPLAINT**

COME NOW St. Charles County, Missouri ("the County") and Officer Michael Anderson ("Officer Anderson"), collectively "County Defendants," and pursuant to Federal Rule of Civil Procedure 12(b)(6) move this Court to dismiss the claims made against them by Plaintiffs, and as grounds therefore state as follows:

1. Plaintiffs have failed to state any claims against Officer Anderson in his individual capacity, so Counts I (Violation of First Amendment), III (Violation of Fourteenth Amendment), and V (Violation of Fourth Amendment), against Officer Anderson should be dismissed.

2. Plaintiffs have not properly sued Officer Anderson in his individual capacity, and therefore this lawsuit is a suit against him in his official capacity only, and should therefore be considered a suit against his employer, the County.

3. Plaintiffs have failed to state any claims for violation of the First Amendment, so Counts I (against Officer Anderson) against II (against the County) should be dismissed.

4. Plaintiffs have failed to state any claims for violation of the Fourteenth Amendment, so Counts III (against Officer Anderson) against IV (against the County) should be dismissed.

5. Plaintiffs have failed to state any claims for violation of the Fourth Amendment, so Counts V (against Officer Anderson) and VI (against the County) should be dismissed.

6. Officer Anderson is protected from civil liability under Missouri law by the Public Duty Doctrine, which states that the duty that is owed by a public official is to the general public, not to particular individuals, so all claims against him should be dismissed.

7. Officer Anderson is protected from civil liability under Missouri law by Official immunity because his decisions are discretionary, so all claims against him should be dismissed.

8. The County is protected from civil liability under Missouri law because the doctrine of sovereign immunity applies to the operation of a police force, § 637.600 et al., RSMo., so Counts X (Battery) and XI (False Imprisonment) against it should be dismissed.

9. A memorandum of law in support of this Motion to Dismiss is filed herewith and is incorporated by reference.

WHEREFORE, County Defendants pray that Plaintiffs take nothing by this Complaint; that Counts I, II, III, IV, V, and VI of Plaintiffs' Civil Rights Complaint be dismissed with prejudice, for costs of suit herein, including reasonable attorneys' fees; and for such other and further relief as the Court may deem just and proper.

**OFFICE OF THE ST. CHARLES  
COUNTY COUNSELOR**

Holly E. Ragan

Holly E. Ragan #65118MO  
Rory P. O'Sullivan #626388MO  
Beverly E. Temple #36095MO  
Associate County Counselors  
100 N. Third Street  
Suite 216  
St. Charles, MO 63301  
(636) 949-7540  
[hragan@sccmo.org](mailto:hragan@sccmo.org)  
[rosullivan@sccmo.org](mailto:rosullivan@sccmo.org)  
[btemple@sccmo.org](mailto:btemple@sccmo.org)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of October, 2016, a true copy of the foregoing was delivered through the Court's Notice of Electronic Filing to:

Bernard J. Rhodes  
LATHROP AND GAGE, LLP  
2345 Grand Boulevard  
Suite 2800  
Kansas City, MO 64108

Holly E. Ragan